

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6338**

**BILL NUMBER: HB 1017**

**DATE PREPARED:** Nov 7, 2001

**BILL AMENDED:**

**SUBJECT:** Driving While Intoxicated and Causing Death.

**FISCAL ANALYST:** Karen Firestone

**PHONE NUMBER:** 317-234-2106

**FUNDS AFFECTED: X GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** The bill makes it a Class B felony instead of a Class C felony for a person to cause the death of another person when driving while intoxicated and removes a provision that makes the offense a Class B felony if, within five years preceding the commission of the offense, the person had a prior unrelated conviction for driving while intoxicated.

**Effective Date:** July 1, 2002.

**Explanation of State Expenditures:** *Background* - Under current law, an offender who causes a death when driving while intoxicated commits a Class C felony. If the offender was previously convicted of the same offense within the last five years, the penalty is a Class B felony. The bill would increase the penalty for operating while intoxicated and causing death from a Class C felony to a Class B felony. The penalty for a subsequent offense would no longer be specified in law, but the offender would still be subject to a Class B felony. According to a sample of the prison population on January 2, 2001, 52 offenders were serving a sentence for operating while intoxicated and causing death and 16 were serving for the second offense.

State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. A Class C felony is punishable by a prison term ranging between two to eight years, depending upon mitigating and aggravating circumstances. A Class B felony is punishable by a prison term ranging from six to twenty years. The average expenditure to house an adult offender was \$22,131 in FY 2000. Individual facility expenditures ranged from \$16,442 to \$40,312. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities for all Class B felony offenders is approximately three years, six months.

**Explanation of State Revenues:** No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for either Class C or B felonies.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** No additional revenues would be expected since the court fees for Class C and Class B felonies are both \$120.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.